

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI FAKHRUDDIN, J.

WRIT PETITION No. 4213 of 2006

PETITIONER : Sevati Bai, Daughter of Rukha Nagesia, Wife of Shri Sakund Ram Nagesia, Aged about 47 years, Caste – Nagesia, Resident of Ghalong, Presently resident at village Keradih, P.O. & Tah. Kunkuri, Distt. Jashpur, (C.G.).

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan, Raipur (C.G.).
2. The Collector, Distt. Jashpur (C.G.).
3. The Sub Divisional Officer (Rev.) Tahsil & District Jashpur (C.G.).
4. The Sub Divisional Officer (Rev.) Pathalgaon, District Jashpur (C.G.).
5. The Sub Divisional Officer (Rev.) Kunkuri, District Jashpur (C.G.).
6. The Sub Divisional Officer (Rev.) Tahsil-Bagicha, District Jashpur (C.G.).

Present: Shri Ashok Soni, learned counsel for the petitioner.
Shri Vinay Harit, Dy. Advocate General with Shri Utkarsh Verma, learned Dy. G.A. for the State / respondents.

ORAL ORDER

(Passed on 1st September, 2006)

The following oral order of the Court was passed by **Fakhruddin, J.**

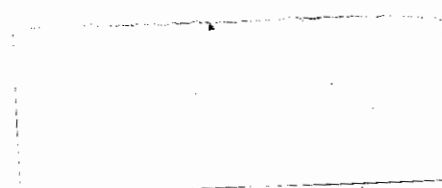
in this petition under Article 226 / 227 of the Constitution of India the complaint of the petitioner is that despite the remand of the proceedings with direction to investigate and pass appropriate orders, the

cases are pending before the Sub Divisional Officer for years and no steps are taken to dispose of the same.

(2) The case of the petitioner is that she is an aboriginal, and that her lands and lands of certain other aboriginals were fraudulently purchased by the Christian Missionary in the names of individual persons who are members of Christian community (aboriginal tribe), and later on under transfer deeds, transferred those lands to Christian Association / Christian Sisters' Association and the said Association holds the land as Bhoomiswami on the basis of such transfer. In this regard, certain complaints under Section 170 (B) of the C.G. Land Revenue Code were made to the concerned Sub Divisional Officers. The Sub Divisional Officer, Jashpur vide his order dated 31-07-1997 directed reversion of the lands to aboriginal vendors. Thereafter, the Christian Association preferred an appeal before the Collector, Jashpur and the Collector vide his order dated 16-10-2000, set aside the order of the Sub Divisional Officer and remanded the matter to further inquire into the matter and pass appropriate orders. According to learned counsel for the petitioner, thereafter, the Sub Divisional Officer is not passing any order or holding any inquiry with regard to the said sale-deeds.

(3) Learned counsel appearing for the petitioner submitted that a direction may be issued to the respondents – authorities to decide the cases which are pending, as expeditiously as possible.

(4) So far as the expeditious disposal of and decision on a matter like this is concerned, the authorities are required to do it have the obligation to do it as expeditiously as possible and the proceedings should not be protracted on one ground or the other. The provisions of the Code in the



regard are beneficial and the very statutory purpose will be defeated if the matters are kept pending without any rhyme and reason by the concerned officers for years.

(5) Having considered the facts and circumstances of the case and material on record, in our opinion, it is just and proper that a direction is issued to the respondents - Sub Divisional Officers to decide the cases as early as possible, under any circumstance within a period of six months from the date of receipt/ production of a copy of this order. In terms of the above direction, the writ petition stands disposed of. No costs.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge

Subby
P.